

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead from Leaded Aviation Gasoline

May 9, 2011

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are attached hereto as Exhibit 1.
- Time Period of Violation: The violations have been occurring since at least May 9, 2008 and are continuing to this day.
- Provisions of Proposition 65: This Notice of Violation covers both the "discharge prohibition" of Proposition 65, which is found at California Health and Safety Code Section 25249.5, and the "warning provision" of Proposition 65, which is found at Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to, and discharges of Lead occur from use of the leaded aviation gasoline supplied by the violators listed on Exhibit 1.
- Description of Exposure: This Notice addresses environmental exposures to Lead as to all of the alleged violators listed on the attached Exhibit 1. Use of the Leaded aviation gasoline supplied by the violators listed on Exhibit 1 results in human exposures to Lead. Lead is contained in the aviation gasoline that is supplied by the alleged violators and is emitted as airplanes fueled with the Leaded aviation fuel supplied by the alleged violators take off, land and fly throughout the state, including, but not limited to take-offs and landings at the airports identified in Exhibit 1.
 - Route of Exposure: The route of exposure for the violations is primarily inhalation, when individuals breath the Lead from aviation gasoline emitted by airplanes supplied with gasoline by the alleged violators. The route of exposure also includes ingestion via hand to mouth contact and dermal absorption directly through the skin when individuals touch or handle dust laden with Lead deposited throughout the state from the aviation fuel supplied by the alleged violators.

- Location of Source of Exposure: The sources of the exposures to Lead identified in this Notice are the airplanes supplied with the alleged violators' Leaded aviation gasoline. Such airplanes take-off and land at airports throughout the State, causing exposures to the areas surrounding such airports, including, but not limited to the airports listed on Exhibit 1. The exposures occur beyond the property owned or operated by the violators.
- o Identification of Discharge and Sources of Drinking Water: Ordinary use of the Leaded aviation fuel supplied by the alleged violators results in discharges or releases of Lead into water or onto land where Lead passes or probably will pass into a source of drinking water. Specifically, the aviation fuel that is the subject of this Notice of Violation is made with and contains Lead. The Lead-containing aviation fuel is supplied by the alleged violators and is emitted as airplanes fueled by the alleged violators take off, land and fly throughout the State. The Lead that is emitted into the air is deposited both directly into sources of drinking water including, but not limited to, the sources of drinking water identified on Exhibit 1, and also onto the ground surrounding the airports identified on Exhibit 1 where it passes into groundwater and sources of drinking water adjacent to the airports including, but not limited to, the sources of drinking water identified on Exhibit 1.

Resolution of Noticed Claims:

- o Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator unless the alleged violator agrees in a binding written instrument to remedy the violations alleged herein by: (a) providing warnings to the individuals who reside or pass through the areas surrounding the airports as identified in Exhibit 1; (b) ceasing sale of all leaded aviation fuel in California in order to cease the discharges of Lead alleged herein; (c) taking remedial action to clean the Lead from the sources of drinking water identified on Exhibit 1; and (d) paying an appropriate civil penalty in accordance with the factors set forth in Health and Safety Code Section 25249.7. If any of the alleged violators is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this notice to counsel for CEH: Mark N. Todzo, Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 759-4111.

EXHIBIT 1
May 9, 2011 Notice of Violation
Lead from Leaded Aviation Gasoline

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur	Non-Exclusive Examples of Sources of Drinking Water
<p>Air BP 1790 16th St. SE Salem, OR 97302</p> <p>Air BP Aviation Services 1790 16th St. SE Salem, OR 97302</p> <p>BP America Inc. 501 Westlake Park Blvd. Houston, TX 77079</p> <p>BP Products North America Inc. 4101 Winfield Rd. Warrenville, IL 60555</p> <p>Epic Aviation, LLC 1790 16th St. SE Salem, OR 97302</p>	Brown Field Municipal Airport 1424 Continental St. San Diego, CA 92154	0.8 mile	
	Camarillo Airport 555 Airport Way Camarillo, CA 93010	1.0 mile	Revolon Slough Camarillo, CA 93010
	Chino Airport County of San Bernardino Department of Airports 7000 Merrill Avenue Chino, CA 91710	0.8 mile	
	Gillespie Field 1960 Joe Crosson Drive El Cajon, CA 92020	1.0 mile	Forester Creek El Cajon, CA 92020
	Hayward Executive Airport 20301 Skywest Drive Hayward, CA 94541	0.8 mile	
	Los Angeles International Airport 1 World Way Los Angeles, CA 90045	0.8 mile	
	McClellan-Palomar Airport 2192 Palomar Airport Road Carlsbad, CA 92011	1.0 mile	Agua Hedionda Creek Carlsbad, CA 92011
	Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308	0.8 mile	
	Montgomery Field 3750 John J. Montgomery Dr. San Diego, CA 92123	1.0 mile	
	Napa County Airport 2030 Airport Road Napa, CA 94558	0.8 mile	
	Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122	1.0 mile	
	Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406	1.4 mile	Sepulveda Flood Control Basin Van Nuys, CA 91406
	Zamperini Field 3301 Airport Drive Torrance, CA 90505	0.8 mile	

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur	Non-Exclusive Examples of Sources of Drinking Water
<p>Avfuel Corporation 47 W. Ellsworth Road Ann Arbor, MI 48108</p>	Brackett Field 1615 McKinley Ave La Verne, CA 91750	1.0 mile	Puddingstone Reservoir San Dimas, CA 91773
	Brown Field Municipal Airport 1424 Continental St San Diego, CA 92154	0.8 mile	
	Buchanan Field 550 Sally Ride Drive Concord, CA 94520	0.8 mile	
	Chino Airport County of San Bernardino, Department of Airports 7000 Merrill Avenue Chino, CA 91710	0.8 mile	
	El Monte Airport 4233 N. Santa Anita Ave. El Monte, CA 91731	0.8 mile	Rio Hondo El Monte, CA 91731
	Gillespie Field 1960 Joe Crosson Drive El Cajon, CA 92020	1.0 mile	Forester Creek El Cajon, CA 92020
	McClellan-Palomar Airport 2192 Palomar Airport Road Carlsbad, CA 92011	1.0 mile	Agua Hedionda Creek Carlsbad, CA 92011
	Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308	0.8 mile	
	Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405	0.8 mile	
	Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406	1.4 miles	Sepulveda Flood Control Basin Van Nuys, CA 91406

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur	Non-Exclusive Examples of Sources of Drinking Water
<p>Chevron Corporation 6001 Bollinger Canyon Rd. V2322/A San Ramon, CA</p> <p>Chevron Global Aviation 1500 Louisiana Street 6th Floor Houston, TX 77002</p>	Buchanan Field 550 Sally Ride Drive Concord, CA 94520	0.8 mile	
	Camarillo Airport 555 Airport Way Camarillo, CA 93010	1.0 mile	Revolon Slough Camarillo, CA 93010
	John Wayne Airport 18601 Airport Way Santa Ana, CA 92707	1.2 miles	
	Livermore Municipal Airport 636 Terminal Cir Livermore, CA 94551	1.0 mile	
	McClellan-Palomar Airport 2192 Palomar Airport Road Carlsbad, CA 92011	1.0 mile	Agua Hedionda Creek Carlsbad, CA 92011
	Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308	0.8 mile	
	Montgomery Field 3750 John J. Montgomery Dr. San Diego, CA 92123	1.0 mile	
	Oakland International Airport 1 Airport Drive Oakland, CA 94621	1.0 mile	
	Palo Alto Airport 1925 Embarcadero Road Palo Alto, CA 94303	1.0 mile	
	Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122	1.0 mile	
	San Carlos Airport 620 Airport Drive San Carlos, CA 94070	1.0 mile	
	Santa Barbara Municipal Airport 500 Fowler Road Santa Barbara, CA 93117	0.8 mile	San Pedro Creek Goleta, CA 93117
	Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405	0.8 mile	
	Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406	1.4 miles	Sepulveda Flood Control Basin Van Nuys, CA 91406
Zamperini Field 3301 Airport Drive Torrance, CA 90505	0.8 mile		

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur	Non-Exclusive Examples of Sources of Drinking Water
Exxon Mobil Corporation 5959 Las Colinas Blvd. Irving, TX 75039 ExxonMobil Aviation, Inc. 3225 Gallows Road Fairfax, VA 22037	Camarillo Airport 555 Airport Way Camarillo, CA 93010	1.0 mile	Revolon Slough Camarillo, CA 93010
	Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Dr. Long Beach, CA 90806	1.2 miles	
	Los Angeles International Airport 1 World Way Los Angeles, CA 90045	0.8 mile	
	Oakland International Airport 1 Airport Drive Oakland, CA 94621	1.0 mile	
	Palo Alto Airport 1925 Embarcadero Road Palo Alto, CA 94303	1.0 mile	
Shell Oil Company 910 Louisiana Street Houston, TX 77002 Shell Oil Products Company LLC 910 Louisiana Street Houston, TX 77002	Camarillo Airport 555 Airport Way Camarillo, CA 93010	1.0 mile	Revolon Slough Camarillo, CA 93010
	Hayward Executive Airport 20301 Skywest Drive Hayward, CA 94541	0.8 mile	
	Marin County Airport at Gnos Field 451 Airport Road Novato, CA 94945	0.8 mile	
	McClellan-Palomar Airport 2192 Palomar Airport Road Carlsbad, CA 92011	1.0 mile	Agua Hedionda Creek Carlsbad, CA 92011

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code § 25249.7(h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

May 9, 2011



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause and my electronic notification address is jbanister@lexlawgroup.com.

On May 9, 2011, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 2:25 p.m. on May 9, 2011:

Lon Wixson, Deputy District Attorney
Contra Costa County
900 Ward Street
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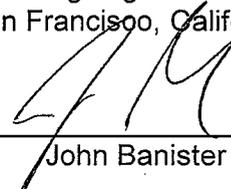
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The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 9, 2011, at San Francisco, California.

Signed: _____



John Banister

SERVICE LIST

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1225 Fallon Street, Rm. 900
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San Diego, CA 92101

San Francisco City Attorney's
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City Hall, Room 234
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San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

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